

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
NO: 5:16-HC-2262-D

Lamont McKoy

Petitioner,

v.

Erik A. Hooks, Secretary, N.C. Department of  
Public Safety, *et al.*,

Respondents.

PETITIONER'S MOTION FOR LEAVE  
TO CONDUCT DISCOVERY

28 U.S.C. § 2254

Local Rule 7.1

Habeas Rule 6

For the reasons set forth in the supporting Memorandum filed herewith, Petitioner Lamont McKoy respectfully requests leave to obtain the following discovery from Respondents ("State") and non-parties identified below, pursuant to Habeas Rule 6 and the Federal Rules of Civil Procedure:

1. The complete file of alleged crime scene photographs of Myron Hailey's car and the surrounding area taken in connection with the Fayetteville Police Department's ("FPD") and the prosecuting agency's investigation of Hailey's shooting, along with any documents concerning analysis or interpretation of those photographs.

2. All files concerning the January 26, 1990 "accident report" of T.P. Riley, or the State's other assertions regarding the alleged driving direction of Hailey's car (*see, e.g.*, Dk. 23 at 9-10), that exist in FPD's or the prosecuting agency's possession and were not previously produced under § 15A-1415(f).

3. The FPD's and the prosecuting agency's complete files regarding any polygraphs taken of Bobby Lee Williams in connection with the Hailey shooting investigation, including all

documents concerning any analysis or interpretation of such polygraphs, and the underlying data for such polygraphs.

4. Compelled deposition testimony from the following individuals:

- State Bureau of Investigation Agent Special Agent S.E. Fox;
- Fayetteville Police Department Sergeant Tracy Campbell; and
- Former “Court Boys” members including: Ronald Perkins; Kelly Debnam; Anthony Perkins; and Craig Roberts.

Respectfully submitted this 3rd day of October 2017.

/s/ Jamie T. Lau

Jamie T. Lau  
N.C. Bar No. 39842  
Attorney for Lamont McKoy  
Duke University School of Law  
210 Science Drive  
Durham, NC 27708  
Phone: (919) 613-7764  
Fax: (919) 613-7262  
E-mail: jamie.lau@law.duke.edu  
Local Civil Rule 83.1 Counsel  
Attorney for Petitioner

/s/ John P. Nowak

John P. Nowak  
PAUL HASTINGS LLP  
200 Park Avenue  
Phone: (212) 318-6493  
Fax: (212) 230-7853  
Email: johnnowak@paulhastings.com  
Attorney for Petitioner

/s/ Evan D. Diamond

Evan D. Diamond  
PAUL HASTINGS LLP  
200 Park Avenue  
Phone: (212) 318-6004  
Fax: (212) 230-5104  
Email: evandiamond@paulhastings.com  
Attorney for Petitioner

**CERTIFICATE OF SERVICE**

I certify that on October 3, 2017, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification to the following:

Mr. Clarence J. DelForge, III, Attorney at Law  
CDelforg@ncdoj.gov

Respectfully submitted, this the 3rd day of October 2017.

/s/ Jamie T. Lau  
Jamie T. Lau  
N.C. Bar No. 39842  
Attorney for Lamont McKoy  
Duke University School of Law  
210 Science Drive  
Durham, NC 27708  
Telephone: (919) 613-7764  
Fax: (919) 613-7262  
E-mail: jamie.lau@law.duke.edu  
Local Civil Rule 83.1 Counsel  
Attorney for Petitioner